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REMARKS

Claims 1-20 stand rejected under 35 USC 102(e) as being anticipated by Siegel. Applicant has amended claims 1, 9, and 17 to further distinguish over the cited references.

Siegel discloses a customer storage device containing identification information for the purpose of obtaining and storing records of transactions from retailers for later use by the customer. For example, the customer may forward the records to sources of goods or service to register the transactions for warranties. Idenfication information and transaction records are stored in the customer storage device, but may also be stored elsewhere for backup or retrieval purposes.

Siegel discloses in the Background section that customers may want to limit private information available to third parties. However, except for privacy concerns associated with identification information, Siegel provides no definition for "private information".

At a high level, Siegel fails to disclose accessing a personal data preferences program as claimed, which is executed by a business computer through use of the electronic

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consumer device, or storing privacy choices from use of the personal data preferences program in a consumer storage medium separate from the electronic consumer device, or reading the privacy choices from the separate consumer storage device during a transaction to limit collection, use, and dissemination of the personal data by a transaction computer. The customer storage device of Siegel accomplishes none of these functions.

With respect to claim 1, Siegel fails to disclose

> b) accessing a personal data preferences program executed by the computer through use of the electronic consumer device that enables a consumer to create a personal privacy profile by choosing, selecting, and then assigning opt in or opt out privacy options to one or more specific, distinct, and different types of personal data collected and maintained by the business including but not limited to the data types of history of purchases from the business by the consumer, demographic data, amount purchased, frequency of purchase, coupon used, payment method used, time of day, week, and year purchased, for the purpose of identifying and limiting the discrete types of data the business is authorized, by the customer's choice of opt in, to collect, use, and disseminate in accordance with the personal privacy profile data type options selected as opt in by the customer;

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c) recording consumer selection of the privacy options via the consumer device by the computer;

d) coding selected privacy options by the computer;

e) downloading coded privacy options to the consumer device by the computer;

f) transferring the coded privacy options to a consumer storage medium separate from the consumer device by the computer;

g) reading the coded privacy options from the consumer storage medium by a transaction computer during a transaction between the consumer and the business; and

h) limiting the collection, use, and dissemination of the personal data by the transaction computer in accordance with the coded privacy options.

With respect to claim 9, Siegel fails to disclose

b) accessing a personal data preferences program executed by the computer through use of the electronic consumer device that enables a consumer to create a personal privacy profile by choosing, selecting, and then assigning opt in or opt out privacy options to one or more specific, distinct, and different types of personal data collected and maintained by the business including but not limited to the data types of history of purchases from the business by the consumer, demographic data, amount purchased, frequency of purchase, coupon used, for the purpose of identifying and limiting the discrete types of data the business is authorized, by the customer's choice of opt in, to collect, use, and disseminate in accordance with the personal privacy

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profile data type options selected as opt in by the
customer;

c) permitting the consumer to select the privacy
options via the consumer device by the computer;

d) encoding selected privacy options by the
computer; and

e) downloading encoded selected privacy options to
the consumer device by the computer for later downloading
to a consumer storage medium separate from the consumer
device;

(f) reading the coded privacy options from the
consumer storage medium by a transaction computer during
the purchase transaction to limit the collection, use,
and dissemination of the personal data by the transaction
computer in accordance with the encoded selected privacy
options.

With respect to claim 17, Siegel fails to disclose

memory in communication with said processing unit
and containing a plurality of instructions which, when
executed by the processing unit, enable (a) an electronic
consumer device to connect to the computer to access a
personal data preferences program of the computer via the
electronic network, the personal data preferences program
being operable to enable a consumer to create a personal
privacy profile by choosing, selecting, and then
assigning opt in or opt out privacy options to one or
more distinct, and different types of personal data
collected and maintained by the business including but
not limited to history of purchases by the consumer,

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demographic data, amount purchased, frequency of purchase, coupon used, payment method used, time of day, week, and year purchased, for the purposed of identifying and limiting the discrete types of data the business is authorized, by the customer's choice of opt in, to collect, use, and disseminate in accordance with the personal privacy profile data type options selected as opt in by the customer; (b) allow a consumer via the consumer device to select the privacy options; (c) convert selected privacy options into a personal data model; (d) code the personal data model in a format readable by a retail terminal of the business during a purchase transaction to limit the collection, use, and dissemination of the personal data by the retail terminal; and (e) transmit a coded personal data model to the consumer device, wherein the consumer device is operable to transfer a received coded personal data model onto a personal data preferences storage medium of the consumer which separate from the consumer device and which is read by the retail terminal during the purchase transation.

Claims 1-20 stand rejected under 35 USC 103(a) as being unpatentable over Siegel in view of "Love Bug Virus".

Love Bug Virus discloses that simple passwords are insecure.
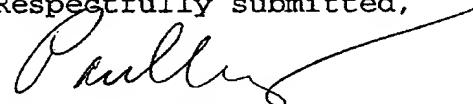
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Applicant believes that claims 1-20 are patentable over Siegel in view of Love Bug Virus for the reasons above.

Applicant respectfully requests that the pending claims be allowed.

Respectfully submitted,

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